

Exhibit H

From: **O'Brien, Diana** <diana.obrien@wbd.com>
Date: Thu, Feb 13, 2025 at 5:18 PM
Subject: RE: Running Point
To: Thomas Knudsen <thomas.knudsen@pepperdine.edu>

Hi Tom –

I need to talk to some people, and will give you a call tomorrow.

From: Thomas Knudsen <thomas.knudsen@pepperdine.edu>
Sent: Thursday, February 13, 2025 2:37 PM
To: O'Brien, Diana <diana.obrien@wbd.com>
Subject: Re: Running Point

Thank you, Diana -- much appreciated. While this explanation sheds some light on the decisions giving rise to the use of "Waves" as the fictional team name and the related color scheme, we remain significantly concerned about the potential for public confusion and the dilution of our marks and the brand that we've worked for nearly ninety years to build.

To further assess the matter and, possibly, assuage our concerns, we'd appreciate the opportunity to review the series (confidentially, of course). You mention that it is your belief that "there is no possible actual confusion between the Pepperdine Waves and our fictional portrayal of a professional team" based upon your "viewing the series." We'd value, and hereby formally request, a similar opportunity.

Best,

Tom

On Wed, Feb 12, 2025 at 5:51 PM O'Brien, Diana <diana.obrien@wbd.com> wrote:

Tom:

I have now had a chance to look into the clearance process a bit more on our front. It substantially dovetails with what you and I discussed yesterday.

Our production "*Running Point*" in a fictionalized version of Jeanie Buss' experience running the Lakers (not unlike the similarities between "*Succession*" and the Murdoch family or "*The Devil Wears Prada*" and Vogue). When our writers came up with a fictional professional team for our series, they were inspired by the Southern California vibe (beach, sun, waves, etc.) and they landed on the **Los Angeles Waves** as a fictional NBA-type team. This was not perceived as causing any possible confusion as there is no professional basketball team using that name. In contrast, the team name "Waves" is used fairly widely in the non-professional sports arena, including a number of teams in Southern California other than Pepperdine, including the Long Beach Blue Waves, San Diego Waves Basketball Clubs and AAU Waves (all SoCal basketball). Given the widespread use of the "Waves" name in non-professional sports, apparently with peaceful coexistence among the various teams using the name, we felt confident that the content of our show (i.e., a fictional professional sports team) could not possibly cause confusion with Pepperdine's real-life basketball team, or for that manner any of the other non-professional real-life teams that use the same name or a variation thereon.

As for the colors, our choice of a blue/orange combo was principally driven by our desire to distinguish the colors from those of existing NBA teams based in Los Angeles. And as you will have noted, the majority of the screen time has the actors in light baby blue uniforms, as shown, not the darker blue used by Pepperdine.



As for other potential similarities you mentioned, I have confirmed the font/logo was an original creation of our Art Director. Also, with respect to the jersey number, I am advised that the show asked for numbers that were not tied to actual Lakers players, and beyond that the numbers were randomly selected. There is also a framed #16 jersey that was also a randomly selected number.

I share the above with you to more fully address some of the concerns we discussed. I can also assure you that this show contains a disclaimer attesting to the fictional nature of its content. Upon viewing the series, particularly with its strong downtown Los Angeles center and all the high-stakes drama of professional basketball references, as well as the fact that this is clearly a fictional comedy series; we feel confident there is no possible actual confusion between the Pepperdine Waves and our fictional portrayal of a professional team.

That said, we fully understand your reaching out. As a company that exists substantially on the value of our intellectual property and its protection, we have immense respect for other third party I.P. and in no way would we want to use a trademark in a manner that would cause actual consumer confusion. We can assure you that is just not the case here.

We remain happy to answer further questions you may have, but naturally reserve our rights in our storytelling.

Best

Diana O'Brien

Senior Vice President, Legal Affairs

Warner Bros. Scripted Television Group

300 Television Plaza

Burbank, CA 91505

(310) 621-2284 Cell (818) 954-7159 Office



From: Thomas Knudsen <thomas.knudsen@pepperdine.edu>

Sent: Wednesday, February 12, 2025 2:46 PM

To: O'Brien, Diana <diana.obrien@wbd.com>

Subject: Re: Running Point

EXTERNAL SENDER: Caution opening links or attachments

Hi Diana,

Just following up -- anything further insights to share? I'd certainly like to see if we can reach an informal resolution.

On the issue of resolution, we'll be issuing a cease and desist letter later today to notify all parties and reserve our rights. I hope it proves to be a formality.

I look forward to hearing from you. My cell is (626) 975-2318.

Best,

Tom

On Tue, Feb 11, 2025 at 5:05 PM O'Brien, Diana <diana.obrien@wbd.com> wrote:

It was good talking to you.

Here is my contact information.

Diana O'Brien

Senior Vice President, Legal Affairs

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****This is an external message from: thomas.knudsen@pepperdine.edu ****

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From: **Thomas Knudsen** <thomas.knudsen@pepperdine.edu>
Date: Sun, Feb 16, 2025 at 6:35 AM
Subject: Re: Running Point Screening
To: O'Brien, Diana <diana.obrien@wbd.com>
Cc: Lindsay, Chris (WB) <chris.lindsay@wbd.com>, Hatcher, Lynne <lynne.hatcher@wbd.com>, Ducat, Lora <lora.ducat@wbd.com>, Rupp, Brian <brian.rupp@wbd.com>

Thanks, Diana, for arranging this screening. Thursday works nicely. If acceptable, I'll be joined by Sean Burnett, our SVP of Integrated Marketing and Communications.

Please let me know the details when convenient.

Best regards,

Tom

On Fri, Feb 14, 2025 at 4:31 PM O'Brien, Diana <diana.obrien@wbd.com> wrote:

Tom:

I was able to secure a small screening room which we have on hold for next Thursday at 11:00 and Friday at 11:00. Based on our conversation, I suggest you watch the first two episodes of the series which will lay the framework for the show. They are approximately one-half our each.

If one of those times work, let us know and if you are available, I am happy to take you to lunch at our commissary afterwards. If those times are not workable, please let us know and we can see what else we can arrange.

I have also copied in her Chris, who is part of our post team and is the one arranging the screening; my assistant Lynne, she can arrange for the drive-ons and give instructions regarding getting on to The Lot, as well as Lora (our head of clearance) and Brain (part of our IP team). If you are open to lunch, I suggest Lora and Brian join as well.

Hope you have a wonderful weekend.

Best,

Diana

Diana O'Brien

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****This is an external message from: thomas.knudsen@pepperdine.edu ****

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From: Thomas Knudsen <thomas.knudsen@pepperdine.edu>
Date: Wednesday, Feb 19, 2025 at 6:31 PM
To: Iancu, Andrei <iancua@sullcrom.com>, Halpern, Aviv S. <halperna@sullcrom.com>
Subject: [EXTERNAL] Fwd: Running Point - Trademark

FYI.

----- Forwarded message -----

From: Thomas Knudsen <thomas.knudsen@pepperdine.edu>
Date: Wed, Feb 19, 2025 at 4:29 PM
Subject: Re: Running Point - Trademark
To: O'Brien, Diana <diana.obrien@wbd.com>

Diana,

I was disappointed to hear of your decision to cancel the viewing. Our communications, both between me and you and the letters from our outside counsel, were meant to be conducive to a discussion to resolve the issues amicably. Please recall that I informed you by email of the issuance of the cease and desist letter on February 12, as a measure to protect Pepperdine's rights. Your invitation for a viewing followed on February 14.

As you'll further recall, I requested a viewing based upon your representation on February 13 that "there is no possible actual confusion between the Pepperdine Waves and our fictional portrayal of a professional team" based upon your "viewing the series." You responded by offering me on February 14 the opportunity to view the first two episodes, and I accepted. Unfortunately, you have now withdrawn this offer, apparently because our outside counsel sent a follow-up letter asking that you stop the infringement. This is disappointing, and suggests that you no longer believe that viewing the series will resolve our concerns.

As I've mentioned, Pepperdine very much values its intellectual property rights and vigorously protects its brands and reputation. Warner Brothers, Netflix and others affiliated with *Running Point* clearly infringe these rights and are causing irreparable harm to Pepperdine and its mission. Regardless, we remain hopeful for an amicable resolution and stand ready today, tomorrow, and at any time to find a path forward.

Best,

Tom

On Tue, Feb 18, 2025 at 5:57 PM O'Brien, Diana <diana.obrien@wbd.com> wrote:

Tom:

The reason I left a voice message earlier is that the attached letters were forwarded to me today by Netflix. (Note, 3400 W. Riverside is not a current mailing address for Warner Bros. [our corp. address is 4000 Warner Blvd. Burbank, CA 91522], nor can I confirm the WB email addresses listed are accurate). As I directly reached out to you as a point of contact for the Studio, I would have hoped to have been copied on this sort of correspondence, especially since I was called out by name. That said, I also noted the follow-up was just issued yesterday, after our Friday conversation and my working to obtain a screening room for you to view episodes prior to their exhibition. Pre-screening of our series is not something we typically allow on behalf of third parties; but I advocated for this course of action based on what I perceived as cooperative discussions and a way to address Pepperdine's concerns. My thought was that allowing you and your colleague to watch the initial episodes, you would be reassured that we were acting within our legal rights; and that you could see first-hand that there is no confusing (or affiliating) our fictional professional L.A. basketball team with your actual college team.

Considering receipt of the attached, however, the Studio has decided it's best to cancel the pre-screening. We will be sending a more formal reply to your counsel shortly.

Naturally in the meantime we must reserve all rights.

Best regards,

Diana

P.S. Please have your counsel includes me on any future correspondence; so that I can make sure it is properly disseminated within WB.

Diana O'Brien

Senior Vice President, Legal Affairs

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